

**Town of Cary, North Carolina  
Rezoning Data Sheet  
07-REZ-13 – Silverton PDD Amendment**

**REQUEST**

The applicant is requesting Council approve an Ordinance to amend the previously approved Silverton Planned Development District for approximately 22.19 acres located at the northwest quadrant of the intersection of NW Cary Parkway with Evans Road.

*The purpose of a rezoning is to evaluate the appropriateness of a proposed land use for the subject parcel(s) of land. Specific development requirements related to the technical aspects of land development, such as access, stormwater management, road improvements, utility line placement, road connectivity and landscape plantings, are not considered during the rezoning process. However, all of these development issues must be addressed for compliance with existing requirements specified in the Land Development Ordinance (LDO) when the site or subdivision plan is submitted. All such requirements can be found at <http://vic.townofcary.org>.*

**BACKGROUND INFORMATION**

Applicant	Jerry Turner Jerry Turner and Associates, Inc. 905 Jones Franklin Road Raleigh, NC 27606 (919) 851-7150 jturner@jerryturnerassoc.com		
Agent	Glenda Toppe Jerry Turner and Associates, Inc. 905 Jones Franklin Road Raleigh, NC 27606 (919) 851-7150 gtoppe@jerryturnerassoc.com		
Acreage	22.19+/-		
General Location	Northwest quadrant of the intersection of Northwest Cary Parkway with Evans Road		
Hearings / Meetings	<b>Public Hearing</b> Aug 9, 2007	<b>Planning &amp; Zoning</b> Nov 19, 2007*	<b>Town Council</b> Dec 13, 2007*
Land Use Designation	Office & Institutional (OFC/INS)		
Town Limits	Within Corporate Limits		
Annexation	Not Required		
Valid Protest	Will be determined immediately prior to Public Hearing		
P&Z Recommendation	TO BE PROVIDED AFTER P&Z MEETING		
Existing Use	Vacant		
Proposed Use	Multi-family Residential (328 units), Office (25,000± square feet)		
Final Council Action	TO BE PROVIDED AFTER TOWN COUNCIL MEETING		
Case Manager	Kevin Hales		

*\*The date provided for the Planning and Zoning Board and Town Council Action meetings are subject to change based on the progress and schedule of the associated Mixed Use Sketch Plan (07-MU-04).*

**The applicant has submitted the following proposed zoning conditions:**

1. 328 multi-family units and 25,000 square feet of office
2. 20' Type 'B' buffer along the northern property boundary

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

**A. Land Use Plan:** This request conforms with the adopted Land Use Plan; the subject parcels are within the Silverton Neighborhood Mixed Use Center. The current land use designation is Office/Institutional, and the proposed uses are appropriate in a mixed use center.

### **B. Growth Management Plan:**

The Growth Management Plan includes the following three Guiding Principles which are relevant to this case:

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.  
Analysis: Two of the four quadrants of this Neighborhood Mixed Use Center are developed. The quadrant that the subject parcels are in is partially developed. Services will be available concurrently with new development.
2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.  
Analysis: The Silverton Mixed Use Center currently includes about 137,000 square feet of office/institutional space. The nearby SAS Regional Mixed Use Center currently includes about 724,000 square feet of office/institutional space. There are also several employers along the Weston Parkway corridor.
3. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.  
Analysis: As per the Comprehensive Plan, most of the town's high-density housing should be conveniently concentrated within or adjacent to mixed use centers.

**C. Affordable Housing Plan:** Some of the applicable goals from the Affordable Housing Plan include:

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. Facilitate the creation of a reasonable proportion of the Town of Cary's housing as affordable units through additional homeownership opportunities for individuals and families earning between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.
3. Encourage the location of high density housing within walking and convenient commuting distance of employment, shopping, and other activities, or within a short walk of a bus or transit stop, through "mixed use" developments, residences created on the upper floors of nonresidential downtown buildings, and other creative strategies.
4. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Affordable housing is defined as dwelling units that cost no more than 30% of the income of families and individuals earning 80% (for buyers) or 60% (for renters) or less of the area median income of \$71,600, adjusted for family size (2006 HUD Data).

### **D. Transportation**

*Existing Section:* Evans Rd: approx. 80' ROW; Cary Pkwy.: 100' ROW

*Future Section:* Evans Rd: 124' ROW, 6-lanes; Cary Pkwy.: 100' ROW 4-lanes

*Road Improvements:* none scheduled

*Sidewalks Requirements:* sidewalks required on both sides of Cary Pkwy. and Evans Rd.

*Bicycle Requirements:* 14' wide outside lanes required on both sides of Cary Pkwy. and Evans

*Transit Requirements:* Ray B

*Traffic Analysis:* A traffic study request (07-TAR-264) has been submitted to the TOC from this applicant. The scope was sent to the applicant on July 2<sup>nd</sup> and a Notice to Proceed will be given

after receipt of the TAR payment. Preliminary traffic study results will be due approximately 5 weeks after the Notice to Proceed.

**E. Parks & Greenways:** According to the approved Parks, Recreation and Cultural Resources Facilities Master Plan a 10' wide greenway trail is to be located along the northern and eastern edge of the property. A recreation payment-in-lieu will be required for any subdivided residential development in accordance with the Land Development Ordinance. According to the Open Space and Historical Resources Plan (OSHRP) this site was not identified as significant/proposed open space.

**F. Environmental:** According to the Town of Cary GIS maps, there are several potential stream buffers that may impact the project. The project will be required to comply with all buffer requirements of the Land Development Ordinance during the site plan approval process.

**G. Buffers:** According to the original Silverton PDD, a 100' buffer was required between the subject parcels and the light industrial parcels immediately to the north of them. Subsequently, the property to the north has developed as small office buildings and a church site. According to Chapter 7.2.3 of the Land Development Ordinance (LDO), the applicant would normally be required to provide a 20' Type 'B' (semi-opaque) buffer. The applicant has instead proposed to provide the entire 20' Type 'B' buffer required in addition to the 50' buffer provided by the adjacent church site for a total of 70'. The buffer to the west (adjacent to the Weston Place townhome development) will be 50' per the approved Silverton PDD.

**H. Streetscape:** The streetscape depth along NW Cary Parkway and Evans Road is proposed to be 30' per the approved Silverton PDD.

**CONSISTENCY WITH THE LAND DEVELOPMENT ORDINANCE**

The proposed project is in the rezoning stage and therefore preliminary engineering of the site has not been done. Prior to Site Plan or Subdivision Plan approval, the application will be required to demonstrate consistency with the Land Development Ordinance with respect to specific development requirements, such as access, stormwater management, road improvements, utility line placement, road connectivity and landscape plantings.

**Existing and Requested Zoning District Comparison:**

District Regulations	Existing Zoning (Silverton PDD)	Requested Zoning (Silverton PDD as amended)
Maximum Gross Density (du/ac)	N/A	N/A (limited to 328 total multi-family dwelling units)
Minimum Lot Size	N/A	N/A
Minimum Width at Building Line	N/A	N/A
Side Yard Setback	N/A	N/A
Building Setback	N/A	N/A
Street Setback	N/A	N/A
Rear Yard Setback	N/A	N/A
Maximum Building Height	N/A	N/A

**TOWN COUNCIL CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS AND PDD'S:**

Section 3.4.1(E) of the Land Development Ordinance sets forth the following criteria that Council should consider in reviewing rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan set forth in Section 1.3 (LDO);
3. The Town and other service providers will be able to provide sufficient public safety, educational, recreational, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development;
4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
5. The proposed rezoning will not have significant adverse impacts on property in the vicinity of the subject tract;
6. The proposed zoning classification is suitable for the subject property;
7. The PDD designation is necessary to address a unique situation or represents a substantial benefit to the Town, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards; and
8. The request complies with the standards and intent of a PDD, as outlined in Section 4.2.3 (LDO).

**OTHER REFERENCE INFORMATION**

**Schools**

The school information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.

<b>School Information</b>				
<b>Assigned Schools*</b>	<b>20<sup>th</sup> Day Enrollment*</b>	<b>Permanent Seat Capacity<sup>1</sup></b>	<b>Average Percent Occupied</b>	<b>Projected Range of Additional Students<sup>2</sup></b>
Northwoods Elementary School	570	531	107%	18
West Cary Middle School	1119	1014	110%	8
Panther Creek (9-11) High School	893	1663	54%	6 <sup>3</sup>
Cary High School (12)	2095	2458	85%	6 <sup>3</sup>
Total Projected range of additional students				0-32

<sup>1</sup> *Current Enrollment and Building Capacity* is based on the 20<sup>th</sup> day of the school year for 2006-2007 as supplied by the Wake County Public School System. School assignment will be determined at the time of development.

<sup>2</sup> The *Projected Number of Additional Students* is only a rough approximation. The actual number of students will vary depending on several variables, such as dwelling unit type, number of bedrooms, dwelling size, and other factors. For example a site with 134 two-bedroom units could yield 27 additional students, while 134 three bedroom units could yield 100 students. The basis for making this calculation is based on multipliers provide from Wake County Schools Office of Student Assignment. At Rezoning, student yield can not be accurately determined due to unknown variables.

<sup>3</sup> *High School Projected Students* are a total of all high school students and should not be counted twice when looking for a total number of new students. Wake County Public Schools has not provided a multiplier for each grade level.

## **Applicant's Justification Statement Submitted May 31, 2007**

The following statements are provided by the applicant in response to the criteria established in the application and does not necessarily represent the views or opinions of the Town of Cary. Any statements as to the type, quality or physical features are at the direction of the applicant and may be formulated into a condition):

### **1. Any issues with the size of the tract?**

The size of the tract is conducive to the use being proposed.

### **2. How is the request compatible with the comprehensive plan (i.e. Land Use, Transportation, Open Space and Historic Resources)?**

This PDD amendment will be accompanied by a MUSP. When submitting a MUSP, a comprehensive plan amendment is not required.

### **3. What are the benefits and detriments to the owner, neighbors and the community?**

The PDD is being amended to add an additional use, multi-family residential, apartments. The proposed uses are compatible with the existing uses in the area and provide for an effective transition with the existing residential development. Less traffic will be generated with the proposed mix of residential and office than with the entire site being developed as office. Office is still being provided. The regulations in the LDO will adequately protect adjacent property owners.

### **4. How are all the allowable uses with the proposed rezoning compatible with, or how do they relate to, the uses currently present on adjacent tracts?**

The proposed uses are compatible since other property in the vicinity of the proposed PDD amendment are currently developed for the same type of residential and nonresidential uses proposed.

### **5. PDD/new or amended: What reductions/amendments and/or modifications to the development standards of the LDO are being requested and how are they justified?**

A MUSP is being submitted for the site that will show all standards being requested. The existing 100 foot buffer along the northern property boundary is being reduced from 100 feet to 20 feet. The 100 foot buffer was based on the property to the north being developed as industrial. This amendment is requesting a 20 foot Type B buffer. The use to the north is now a church. The required buffer for our site based on the adjacent use being a church is 20 feet. The church already has a 50 foot buffer. With our proposed 20 foot buffer, the total buffer will be 70 feet.

**Ordinance for Consideration  
07-REZ-13 – Silverton PDD Amendment**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 22.19 ACRES LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF NORTHWEST CARY PARKWAY WITH EVANS ROAD, OWNED BY RWC PROPERTIES, LLC FROM PLANNED DEVELOPMENT DISTRICT TO PLANNED DEVELOPMENT DISTRICT AS HEREIN AMENDED.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARY:

Section 1: The Official Zoning Map is hereby amended by rezoning the area described as follows:

PARCEL & OWNER INFORMATION			
Property Owner(s)	County Parcel Number(s) (10 digit)	Real Estate ID(s)	Area Acres
RWC Properties, LLC 14413 Possum Track Road Raleigh, NC 27614-8703	0755812817	0237411	19.13
	0755826195	0237412	1.13
	0755715766	0237410	1.93
<b>Total Acres</b>			<b>22.19</b>

Section 2: That this Property is rezoned from Planned Development District to Planned Development District as herein amended, subject to the original development conditions found in the Silverton PDD except as herein amended and all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, polices and guidelines.

Section 3: This ordinance shall be effective on the date of adoption.

Adopted and effective: December 13, 2007

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Ernest F. McAlister  
Mayor

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Date